

TENNESSEE TITLE VI COMPLIANCE COMMISSION

*Tennessee Department of Personnel
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TO: All State Agencies
FROM: The Tennessee Title VI Compliance Commission
RE: **Tennessee Title VI Compliance Commission's Advisory
Memorandum No. 1**
DATE: October 16, 2003

As you know, the Tennessee Title VI Compliance Commission (the "Commission") was established in August 2002 by Executive Order No. 34. Title VI of the Civil Rights Act of 1964 provides as follows:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Pursuant to Executive Order No. 34, it is the policy of the State of Tennessee to comply with Title VI, to prohibit discrimination, and to avoid the loss of federal funding. As one of many steps towards ensuring full compliance with Title VI by the State of Tennessee, the Commission is issuing this Advisory Memorandum.

State agencies, local or municipal government entities, educational institutions, and for profit and non-profit corporations and institutions that receive federal funds are subject to Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. According to the Attorney General of the State of Tennessee, Title VI and its regulations place an affirmative duty on Tennessee State agencies to comply therewith. Under certain circumstances, federal authorities may refuse to grant or continue federal financial assistance for failure to comply with Title VI and its regulations.

State agencies have many essential duties and responsibilities regarding Title VI. Among other things, Title VI and its regulations apply as follows:

1. To a program even if federal money comprises only a portion of the program's budget.
2. To a recipient in whole even if federal money is only extended to a part of the recipient. (Ex. If one part of a department receives federal financial assistance, the whole department is considered to receive federal assistance.).

3. To all of the operations of a postsecondary institution when any part of the institution is extended federal financial assistance.
4. To an entire private organization if federal financial assistance is extended to it as a whole or such entity is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation.
5. To only a part of a private organization if federal financial assistance is extended for a specific purpose, is intended to support one of several functions of the recipient or is for a plant or any other comparable, geographically separate facility.

Among other things, Title VI and its regulations require the following:

1. Every application for federal financial assistance must contain, as a condition of its approval, an assurance that the program will be conducted in compliance with all requirements imposed by Title VI.
2. Each recipient must keep records and reports and submit them to the federal government.
3. Each recipient of federal assistance is required to collect racial and ethnic data.
4. Agencies administering programs that receive federal financial assistance are required to gather and submit information regarding Title VI compliance.

Among other things, Title VI and its regulations prohibit the following:

1. A recipient of federal financial assistance from denying a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program because of such person's race, color, or national origin.
2. Failure to provide information and services in languages other than English where such failure results in a significant number of limited English proficiency beneficiaries from the same language minority being unable to fully realize the intended benefits of a federally assisted program.

Among other things, as concerning Title VI, the Comptroller of the Treasury for the State of Tennessee has recommended the following:

1. That State agencies develop procedures to conduct periodic Title VI on-site compliance reviews of federally assisted programs.
2. That State agencies add assurance language in all contracts between the primary recipient (the State) and those to whom it distributes the federal assistance (the subrecipients) and conduct follow-up reviews to verify compliance.

3. That State agencies collect statistical data (race, color, and national origin) of participants in and beneficiaries of state federally assisted programs.

4. That State agencies affirmatively require minorities (protected beneficiaries) on planning boards and commissions.

Over and above the matters set forth in this Advisory Memorandum, it is the responsibility of your agency to know, understand and comply with all of the requirements, and prohibitions, arising from Title VI and its regulations. The Commission stands ready to assist in the same.

Your assistance in ensuring that the State of Tennessee complies in all respects with Title VI is greatly appreciated. If you have any questions or require any assistance, please contact me at (615) 244-9270 or John Birdsong, Director of the Tennessee Title VI Compliance Commission, at (615) 253-6717. Any written correspondence to the Commission should be directed as follows:

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